

Notice of Allowability

Application No.

10/655,961

Examiner

Jack A. Lane

Applicant(s)

CAMERON ET AL.

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 08/17/2006.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8/17/2006(2)
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

1. The Notice of Allowability is responsive to the communication received 08/17/2006.

The IDS documentation received 08/17/2006 has not been considered. The examiner specifically requested the following in the non-final Office action dated 05/16/2006:

In the event documentation...is determined to qualify as prior art, **a discussion of relevant passages, figs. etc. with respect to the claims must be provided.** That is, for at least each **independent** claim limitation...identify a corresponding prior art element by page, line and/or fig. Since applicant is most knowledgeable of the present invention and submitted art, a discussion of the reference(s) with respect to the instant claims is essential.

Applicant submitted prior art in response to the request, however, a discussion of the independent claim limitations with respect to the prior art was not provided.

2. The following was requested in the 105 requirement for information in the non-final Office action dated 05/16/2006:

In response to this Office action, the examiner also requests identification of all independent claim limitations (claims 1 and 6) corresponding to prior art elements in the IDS documentation filed 08/12/2005 and 02/03/2006. Since applicant is most knowledgeable of the present invention and the IDS documentation, a discussion of the prior art with respect to the instant claims is essential. That is, for each claim limitation (including structural and functional limitations linking claim elements, e.g. coupled to, responsive to) identify a corresponding prior art element by page, line, and/or fig. **The examiner is specifically looking for at least the following claim limitations that appear to represent the main invention(s)/embodiment(s). Applicant must specifically state whether or not any of the following elements are found in the IDS documentation.**

Read only snapshot.

Read-write snapshot.

Read-write snapshot descending from the read only snapshot.

The examiner requested applicant to state whether or not the following claim

limitations exist in the IDS documentation:

- Read only snapshot
- Read-write snapshot
- Read-write snapshot descending from the read only snapshot

Applicant's response to the 105 requirement was the following:

Applicant has not provided such a discussion because Applicant wishes the Examiner to review the present application unbiased from Applicant's characterization of the prior art. Applicant notes there is not requirement under 37 C.F.R. 1.105, 1.56, 1.97 and 1.98 to provide such a discussion.

In response, applicant presented prior art documentation presumably because it has some bearing on the present claims. Furthermore, applicant must have formulated some reasoning based on fact (i.e. relationship of claims to prior art) that prompted the IDS submission. The examiner is looking for any factual knowledge applicant has about the prior art with respect to the claims

Applicant is reminded of the following from 37 CFR 1.56 excerpted below:

The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

Once again, if applicant becomes aware of the existence of the claim limitation identified above in the IDS documentation, applicant is required to submit such finding to the examiner.

3. Claims 1-12 are allowable over the prior art of record.

Art Unit: 2185

Any response to this action should be mailed to:

Under Secretary of Commerce for Intellectual Property and Director of the
United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

or faxed to:

(571) 273-8300, (for Official communications intended for entry)

Or:

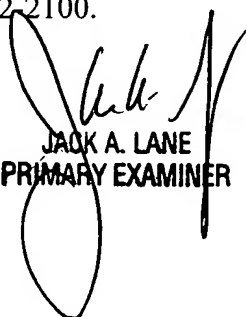
(571) 273-4208, (for Non-Official or draft communications, please label
"Non-Official" or "DRAFT")

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack A. Lane whose telephone number is 571 272-4208. The examiner can normally be reached on Mon-Fri from 7:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah can be reached on 571 272-4098.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272-2100.


JACK A. LANE
PRIMARY EXAMINER